

NOTICE

At its meeting on 30 September 2005, the Bar Examining Committee adopted the following amendments to its regulations. These amendments are effective 90 days after publication. Additions are signified by underlining. Deletions are signified by brackets.

ARTICLE VI GUIDELINES FOR ASSESSMENT OF CHARACTER AND FITNESS

Art. VI-1. PURPOSE. The purpose of character and fitness screening before admission to the bar is the protection of the public and the system of justice. The public interest requires that the public be secure in its expectation that those who are admitted to the bar are, at the time of admission, worthy of the trust and confidence clients may reasonably place in their attorneys.

Art. VI-2. STANDARD OF CHARACTER AND FITNESS. A lawyer should be one whose record of conduct justifies the trust of clients, adversaries, courts and others with respect to professional duties owed to them. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of admission. Conduct that is merely socially unacceptable or the physical disability of the applicant is not relevant to character and fitness for law practice and will not be considered.

Art. VI-3. BURDEN OF PROOF. The applicant bears the burden of proving his or her good moral character and fitness to practice law by clear and convincing evidence.

Art. VI-4. GOOD MORAL CHARACTER. The concept of "good moral character" necessarily reflects the mores of the community as well as an estimate of the individual. The determination of present good moral character is made at the time of admission. In considering good moral character the Committee will attempt to view the applicant as a whole person and take into account the applicant's entire life history rather than limit its view to isolated events in his/her life. The Committee's inquiry into an applicant's character and fitness emphasizes honesty, fairness and respect for the rights of others and for the law in general. There are no specific incidents, transgressions or misconduct which will result in disqualification. However, certain conduct indicates a lack of good moral character (See Art. VI-11 below).

Art. VI-5. PROCEDURES. a) The applicant shall be given the opportunity to demonstrate present good moral character despite particular past conduct.

b) When the Committee has information weighing against a determination of good moral character:

- i) The applicant shall be notified of the information, and
 - ii) The applicant shall be provided the opportunity to submit such material as the applicant deems appropriate.
- c) When an applicant's past conduct raises a question as to his/her character and fitness, the Committee will take into consideration the following:
- i) The number of incident(s) (offenses); i.e. whether single, sporadic or repeated;
 - ii) The seriousness of the incident(s) (offenses) and the degree of moral turpitude involved;
 - iii) The time of commission; e.g. whether recent or remote past;

- iv) The age of the applicant at the time of the incident(s) (offenses);
- v) Any mitigating circumstances;
- vi) The opinion of others about the applicant's moral character;
- vii) Evidence of rehabilitation;
- viii) Activities, jobs and civil service;
- ix) Any other pertinent information; e.g. degree of remorse.

d) If the applicant establishes present good moral character despite past conduct, the Committee will certify the applicant.

e) i) If the Committee believes there are matters which indicate a lack of good moral character, the Committee shall or may, consistent with the rules of the Superior Court, refer the file to the Standing Committee on Recommendations for Admission to the Bar in the county in which the applicant resides or, if the candidate is not a resident of Connecticut, to such Standing Committee as the Committee shall deem appropriate.

ii) The Standing Committee shall review the file and shall notify the applicant by certified mail if it determines that an investigative hearing is necessary. The notice shall provide the date, time and location of the hearing and shall state in detail the matters to be inquired into at the hearing and shall advise the applicant that the hearing shall be recorded and that he or she may be represented by counsel. The Standing Committee shall report in writing to the Committee whether it recommends the applicant.

iii) Upon receipt of the report of the Standing Committee the Committee shall either adopt the findings or hold a formal hearing on the application. If the Committee determines that a formal hearing is necessary it shall prepare written specifications which shall be sent to the applicant by certified mail. The specifications shall provide the date, time and location of the hearing and shall state in detail the matters to be inquired into and the facts, which, if proved, would form the basis of the committee's determination of lack of good moral character. The specifications shall advise the applicant that the hearing shall be recorded and that he or she may be represented by counsel. However, an applicant may request a waiver of a formal hearing if the applicant is in agreement with the terms of the Committee's recommendation of admission with conditions as provided in Sections 2-9 and 2-11 of the rules of the Superior Court.

iv) The formal hearing shall be conducted before a panel of the Committee consisting of at least three (3) members appointed by the chairman which shall have the power to act for the Committee. Following the conclusion of the formal hearing, the panel shall make its findings of fact and recommendation for or against the admission of the applicant. The applicant shall be notified of the findings of fact and recommendation. If the formal hearing is not completed within six months of its commencement through no fault of the committee, the application shall be deemed to be withdrawn by the applicant. Said six month period may be extended by the Committee upon good and sufficient cause shown by the applicant. A request for an extension must be filed by the applicant not less than thirty (30) days before the expiration of the six month period.

v) Any applicant who is dissatisfied with the Committee's recommendation concerning his or her character and fitness may, within sixty (60) days after notice of the Committee's recommendation, file with the administrative director a petition for reconsideration. The petition must contain new and additional material which the Committee has not previously considered. Only one such petition for reconsideration

may be filed. Within 60 days of receipt of the petition for reconsideration, the Committee shall make its findings of fact and recommendation for or against the admission of the applicant. The applicant shall be notified of the findings of fact and recommendation.

Art. VI-6. CONTINUING CRIMINAL ACTIONS. Factors such as pending incarceration, probation, the restrictions of parole still in effect or unfulfilled sentences, while not determinative, will generally be considered to indicate that the rehabilitation process has not been completed.

Art. VI-7. CONDUCT IN VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT.

Engaging in any conduct which would have subjected the applicant to discipline if he/she had already been a member of the bar will weigh strongly against a determination of good moral character. Similarly, lack of good standing in a jurisdiction where the applicant is (or was) admitted to the bar is indicative of a lack of good moral character.

Art. VI-8. CANDOR IN THE ADMISSION PROCESS. Lack of candor in responding to questions posed on the application for admission to the bar in Connecticut (or elsewhere) or otherwise posed by the Committee or its staff may be independent grounds for a finding of lack of good moral character notwithstanding the fact that the underlying information would not, standing alone, have been grounds for such a finding. The Committee expects that all applicants will provide a complete and candid response to its inquiries, whether on the application or as part of a subsequent inquiry.

Art. VI-9. MENTAL HEALTH INQUIRY Questions regarding psychiatric treatment are not intended to invade unnecessarily the privacy of an applicant. Rather the Committee is concerned with forms of serious mental illness or emotional disorder which may impact adversely on an applicant's fitness to practice law.

Art. VI-10. APPLICATION REVIEW. The Committee establishes the following policies regarding review and approval of applications for admission by examination:

a) Staff Review and Approval: Clear record; minor traffic violations (no felonies or misdemeanors); minor credit issues (no bankruptcy, judgment defaults or large loans in collection); honorable discharge from military; in good standing in each jurisdiction where admitted;

b) Committee review: All other cases

Art. VI-11. CONDUCT THAT CREATES A PRESUMPTION OF LACK OF GOOD MORAL CHARACTER. The following conduct creates a presumption of and may result, in the absence of evidence to the contrary, in a finding of lack of good moral character:

- i) Conviction of a felony
- ii) Course of conduct evidencing disregard for the law and the rights of others
- iii) Fraudulent conduct, which shall include, but not be limited to plagiarism and other forms of academic misconduct
- iv) False, misleading or incomplete disclosure on application for admission to the bar in Connecticut or elsewhere
- v) Significant financial problems evidencing fiscal mismanagement
- vi) Suspension or disbarment in another jurisdiction

- vii) Revocation or suspension of another license or governmental authorization to conduct a profession, trade or business
- viii) Substance abuse not under control

Art. VI-12. REAPPLICATION AFTER DENIAL. An applicant who is denied admission to the bar for lack of good moral character shall not be permitted to reapply within two [one] years of denial; the denial may specify a longer period of time. An applicant so denied shall be required to retake and pass the bar examination.

Art. VI-13. TIME LIMITATION ON ADMISSION. Any person recommended by the Committee, but not admitted to the bar within five years of the date of such recommendation shall be required to retake and pass the bar examination.

ARTICLE VIII TIMELY FILING

Art. VIII. Failure to file any required document in a timely manner may result in a delay in or a denial of the applicant's admission to the bar. Any application not completed within one year of its filing shall be deemed to be withdrawn by the applicant. This one year period may be extended by the committee upon good cause shown by the applicant. Any request for extension must be filed by the applicant not less than thirty (30) days before the expiration of the one year period.